

### **REMARKS**

Applicant thanks the Examiner for total consideration given the present application. Claims 1-3 remain pending. Claim 1 has been amended through this Reply. Claims 2 and 3 have been withdrawn from consideration. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### **35 U.S.C. § 103 REJECTION – SAWAI IN VIEW OF NOSAKA ET AL.**

Claim 1 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sawai (JP 02-283887) (hereinafter “Sawai”) in view of Nosaka et al. (JP 07-145785) (hereinafter “Nosaka”). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, claim 1 recites “An electric internal gear pump integrated with motor comprising: ... a rotor portion ... an electric motor portion ... a main shaft ... *each of the first roller bearing and the second roller bearing is a ball bearing including an inner ring and an outer ring, one of the ball bearings is positioned in a motor housing, while the other ball bearing is positioned in a second section of a rotor housing, the outer rotor of the rotor portion is positioned in a first section of the rotor housing; and a stator of the motor is positioned in a motor housing.*” *Emphasis added.*

Claim 1 recites an electric internal gear pump integrated with a motor comprising a rotor portion, an electric motor, and a main shaft. The main shaft further comprises a drive shaft of the electric motor portion and a rotary shaft of the inner rotor. Both of the shafts formed integrally can be treated as a unit with which ball bearings are assembled so that the ball bearings do not fall into pieces when attached to the main shaft. The electric pump unit is assembled by positioning the main shaft and one of the ball bearings in the motor housing with the rotor

portion being assembled with the main shaft and by fitting the other bearing in the second section of the rotor housing.

In contrast, Sawai teaches slide bearings 15, 22 are positioned with respect to the outer surface of a main shaft as a contact surface and thus do not include the inner ring. In addition, Nosaka teaches needle bearings 6, 7, that utilize the outer surface of a main shaft as a contact surface. Therefore, Nosaka also fails to teach the inner ring. Accordingly, the main shaft and the bearings in Nosaka cannot be integrated or assembled since the outer ring and the needle bearings fall into pieces. Therefore, the ball bearings in the present invention are different from the ball bearings in Sawai and Nosaka. Furthermore, Sawai teaches a stator positioned outside a vessel 1 (housing). In contrast, the present invention claims a stator of the motor positioned in a motor housing.

Therefore, for at least these reasons, claim 1 is distinguishable from the combination of Sawai and Nosaka. Applicant respectfully requests that the rejection of claim 1, based on Sawai and Nosaka, be withdrawn.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above remarks/arguments, applicants believe the pending application is in condition for allowance. Thus, the Examiner is respectfully requested to reconsider the outstanding rejections and issue a Notice of Allowance in the present application.

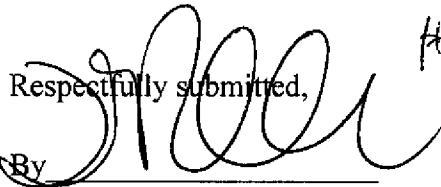
Application No. 10/540,388  
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However, should the Examiner believe that any outstanding matters remain in the present application, the Examiner is requested to contact Applicants' representative, Michael K. Mutter (Reg. No. 29,680) at the telephone number of the undersigned in order to discuss the application and expedite prosecution.

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Respectfully submitted,

  
By Michael K. Mutter  
for Registration No.: 29,680  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Rd  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

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